

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LESLEY TYRA OWENS	§	
VS.	§	CIVIL ACTION NO. 1:23cv474
WARDEN, USP BEAUMONT	§	

MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner Lesley Tyra Owens, an inmate formerly confined at the United States Penitentiary located in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends denying and dismissing the petition.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. Petitioner filed objections to the magistrate judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

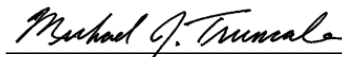
After careful consideration, the Court concludes petitioner’s objections should be overruled. Petitioner relies on a decision by the Supreme Court of Tennessee from the year 2000 to claim his conviction for aggravated assault is insufficient to qualify as a predicate offense under the Armed Career Criminal Act for his federal conviction which occurred on June 19, 2009. *See State v. Hammonds*, 30 S.W. 3d 294 (Tenn. 2000). Petitioner’s claim, therefore, could have been raised at

trial, on appeal, or in his first motion to vacate brought pursuant to 28 U.S.C. § 2255. Petitioner also attempts to reargue the claims asserted in his first § 2255. However, this is not the forum to do so. As set forth in the Report, the Supreme Court's decision in *Jones v. Hendrix*, 599 U.S. 465 (2023) forecloses petitioner's challenge to his sentence filed under 28 U.S.C. § 2241, via the savings clause of 28 U.S.C. § 2255(e). Accordingly, the petition should be dismissed without prejudice.

ORDER

Accordingly, petitioner's objections are OVERRULED. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is ADOPTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this 27th day of February, 2025.



Michael J. Truncala
United States District Judge